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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,124	08/08/2003	Charles Binzel	CS21165RL	3836
20280	7590	07/13/2007		
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			EXAMINER VO. NGUYEN THANH	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/637,124		BINZEL ET AL.	
	Examiner		Art Unit	
	Nguyen Vo		2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in EPC on 13 August 2002. It is noted, however, that applicant has not filed a certified copy of the above application as required by 35 U.S.C. 119(b).
2. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Patel (US 7,107,080 B2, cited by examiner).

As to claim 1, Patel discloses a mobile wireless communication device capable of receiving a paging message transmitted in a series of bursts over successive time frames (see column 6 line 60 to column 7 line 9), comprising receiving not more than one burst in a corresponding time frame of an incoming paging message (see column 7

lines 9-13); determining whether the incoming paging message corresponds to a known paging message based on the not more than the one burst received (see column 7 lines 13-45; column 8 lines 31-42). Since the wireless terminal considers the paging burst to be a null page, the wireless terminal must use the known data from the null page with incoming data in the received burst (see column 8 lines 35-42). Therefore, Patel does disclose “comparing incoming data of the not more than one burst with known data of a corresponding burst of the known paging message” and “combining the incoming data with known data of a burst in a different time frame of the known paging message only if results of comparing satisfy a specified requirement”, as recited in the claim.

As to claim 5, see column 7 lines 7-18.

As to claims 6-7, see column 7 lines 7-45.

5. Claims 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue (US 2003/0156551 A1, cited by examiner).

As to claim 19, Inoue discloses a mobile wireless communication device capable of receiving an incoming message transmitted in a series of portions over successive intervals, comprising receiving portions of an incoming message in at least two successive intervals without receiving a portion of the incoming message in a first of the successive intervals (see paragraphs [0082], [0090]-[0093], [0097]; decoding the portions of the incoming message received (see the decoder 27; see also paragraph [0093]).

As to claims 20-21, see paragraphs [0082], [0090]-[0093], [0097], [0103]-[0107].

As to claim 22, see figure 9(b), paragraphs [0111]-[0113].

As to claim 23, see paragraph [0089]; see also see figure 6, blocks S470 and S480.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3-4, 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel in view of Inoue (US 2003/0156551 A1, cited by examiner).

As to claims 3, 8-10, Patel fails to disclose reconstructing the incoming paging message by decoding the combined incoming data and the known data, and determining whether the reconstructed incoming paging message corresponds to the known paging message, as recited in the claims. Inoue discloses reconstructing the incoming paging message by decoding the combined incoming data and the known

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data (see paragraphs [0082], [0090]-[0093], and determining whether the reconstructed incoming paging message corresponds to the known paging message (see paragraphs [0093], [0097], [0105], [0109]-[0115]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Inoue to Patel, in order to reduce the power consumption of the mobile wireless communication device even when the device enters an on-mode and starts to receive a middle portion of a frame (as suggested by Inoue).

As to claim 4, see Patel, column 8 lines 6-20.

As to claim 11, see Patel, column 8 lines 35-42.

As to claim 12, see Patel, column 8 lines 6-20.

As to claim 13, see Patel, column 7 lines 7-27.

As to claim 14, see Inoue, paragraphs [0093], [0097], [0105], [0109]-[0115].

As to claim 15, see Patel, column 7 lines 7-27.

As to claim 16, see Patel, column 8 lines 35-42. See also Inoue, paragraphs [0082], [0093], [0097], [0105], [0109]-[0115].

As to claim 17, see Patel, column 7 lines 7-18.

As to claim 18, see Inoue, paragraphs [0082], [0093], [0097], [0105], [0109]-[0115].

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Massingill (5,978,366) discloses battery saving in decoding paging messages.

Response to Arguments

10. Applicant's arguments filed 4/30/2007 have been fully considered but they are not persuasive.

Rejection to claims over Kalveram (US 2001/0023184 A1):

Claim 1 is now amended to include limitation of claim 2, now canceled.

Accordingly, the rejection over Kalveram is now withdrawn.

Rejection to claims over Patel (US 7,107,080) and Inoue (US 2003/0156551):

Applicant has not filed a certified copy of the application EPC 02292026.8 as required by 35 U.S.C. 119(b). In addition, a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15. Accordingly, applicant cannot rely upon the foreign priority papers to overcome the rejections to claims over Patel (US 7,107,080) and Inoue (US 2003/0156551).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Vo whose telephone number is (571) 272-7901. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nguyen Vo
Primary Examiner
Art Unit 2618


7-6-2007